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SUBJECT: SOUTH AFRICAN MEDIA SAYS PRESS FREEDOM IMPERILED BY GOVERNMENT PROPOSAL

(U) This cable is Sensitive But Unclassified. Not for Internet distribution.

¶1. (U) A government proposal to amend South African's Films & Publications Act has been met by howls of protest from media groups who say it would bring back pervasive censorship not seen since the apartheid era. Currently, the Act exempts newspapers from the publications covered by its censorship and classification provisions. The draft amendments would remove that exemption for newspapers and explicitly place broadcast media, which is regulated by other legislation, under its purview. Media advocates argue that those and other changes would force news groups to submit for pre-publication review material that could be viewed as sexual conduct, war propaganda, incitement to imminent violence or advocacy of hatred on any "identifiable group characteristic."

¶2. (SBU) The Ministry of Home Affairs, which put forth the amendments, after days of silence finally responded to the criticism when a spokesperson was quoted in local media on August 19 as saying the government was largely concerned about where South Africa's often racy tabloid newspapers were sold. The spokesperson, Mantshele wa ga Tau, also was quoted as saying there would be no pre-censorship under the proposed amendments. The articles suggested the Ministry was open to changes in its draft proposal. The amendments, which still must be debated and approved by Parliament, also would bring interactive computer games, cell phones and the Internet under the law.

¶3. (SBU) Comment: The proposed amendments to the Films & Publications Act represent the second time in recent months that South African ministries have proposed legislative changes that have touched off harsh criticism from freedom-of-expression advocates. Earlier this year, the Communications Minister proposed that she be allowed to hire and fire councilors to South Africa's broadcast regulatory body, which critics said would compromise its integrity. Ultimately, the Ministry backed down from the proposal, which President Thabo Mbeki also opposed. Reported comments from the Ministry of Home Affairs spokesman now suggest the draft amendments to the Films & Publications Act also may be changed in the face of widespread criticism.

¶4. (SBU) Comment continued: If nothing else, these two examples suggest a lack of sensitivity in at least some ministries toward the importance of an independent media. A vibrant press free to criticize national leaders is a key element to the success of South Africa's young democracy; Embassy Pretoria will continue to monitor and report on further developments that may affect that freedom.

BOST